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EXAMINER

PATEL, DHAIRYA A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHELL S. SIMPSON, WARD S. FOSTER,
and KRIS R. LIVINGSTON

Appeal 2008-3360
Application 10/007,254
Technology Center 2400

Decided:¹ March 18, 2009

Before JAY P. LUCAS, ST. JOHN COURTENAY III, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The two month time period for filing an appeal or commencing a civil action, as recited in 37 CFR § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

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STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-30. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

The Invention

The disclosed invention relates generally to specifying a charge-back account for printing image data (Spec. 4).

Independent claim 1 is illustrative:

1. In a web based imaging environment, from a user's client browser, a method of providing the ability to specify a charge-back account, said method comprising the steps of:

accessing a destination service representing a production device;

downloading content from said destination service into said client browser;

retrieving said user's image data;

selecting production options for a print job to print said user's image data using said production device; and

providing said user the ability to specify a charge-back account ID for processing said print job using said production device.

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The References

The Examiner relies upon the following references as evidence in support of the rejections:

Leon	US 2001/0042052 A1	Nov. 15, 2001 (filed Mar. 28, 2001)
Olsen	US 2002/0016921 A1	Feb. 07, 2002 (filed Jan. 26, 2001)
Horn	US 7,013,289 B2	Mar. 14, 2006 (filed Feb. 21, 2001)

The Rejections

1. The Examiner rejects claims 1-16, 18-26, and 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Horn and Olsen.
2. The Examiner rejects claims 17 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Horn, Olsen, and Leon.

ISSUE #1

The Examiner finds that “Olsen teaches retrieving user’s image data as print job records, which consists of a data file or document” (Ans. 13).

Appellants assert that Horn fails to disclose or suggest “a print job printed by a production device, let alone, selecting production options for a print job to print said user’s image data using said production device” (Reply Br. 3) and that “Olsen is silent on this point” (*id.*).

Did Appellants demonstrate that the Examiner erred in finding that the combination of Horn and Olsen teaches or suggests a print job to print image data and production options for the print job?

FINDINGS OF FACT

The following Findings of Facts (FF) are shown by a preponderance of the evidence.

1. Olsen discloses that a “client **102**” communicates a print job to the job database **110**” (¶[0066]) and that a “control unit **120**” (¶[0067]) communicates the data “to the printer 116 so as to complete the print job” (¶[0067]).
2. Olsen discloses “user options provided to the requesting user” that includes “List accessible print jobs, Select print job, View print job, Print print job, Show user account, Show number of pages of selected print job, Delete selected print job, Mark print job as not-deleteable, Display information about print job such information as duplex, simplex, colour, name, size, date, data-stream (PostScript, PDF, PCL, PCLXL, IPDS or AFP format), expiration data and End” (¶[0079]).
3. Horn discloses a “Global Store System **1500**” to which “a Buyer [may] submit requests” (col. 31, ll. 43-44) and, in response to the Buyer requests, the system offers “the Buyer choices for viewing information” (col. 31, ll. 51-52).

PRINCIPLES OF LAW

Obviousness

The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

“[W]hen a patent ‘simply arranges old elements with each performing the same function it had been known to perform’ and yields no more than one would expect from such an arrangement, the combination is obvious.” *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1740 (2007) (quoting *Sakraida v. Ag Pro, Inc.*, 425 U.S. 273, 282 (1976)).

ANALYSIS (ISSUE #1)

As set forth above, Olsen discloses a user requesting a print job that prints data (FF 1). Olsen also discloses that when requesting a print job, a user is provided with “user options” which may include, e.g., “accessible print jobs, Select print job, View print job, Print print job, Show user account,” etc. (¶[0079]) (FF 2). Thus, Olsen not only discloses printing data in a print job, but also a user selecting options for the print job that is printed on a printer (i.e., a “production device”). In view of Olsen’s explicit disclosure of a user selecting production options for a print job to print data, we disagree with Appellants’ contention that “Olsen is silent on this point.”

Appellants argue that Horn “has nothing to do with a print job printed by a production device” (Reply Br. 3). Because the Examiner relies on Olsen rather than Horn to provide this feature, we find Appellants’ argument unpersuasive.

While Appellants separately argue the rejection of independent claims 19 and 28, they merely reiterate the same arguments provided for independent claim 1. Further, Appellants provide no separate arguments for the dependent claims. Consequently, claims 2-30 fall together with independent claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

For at least the aforementioned reasons, we conclude that Appellants have not sustained the requisite burden on appeal in providing arguments or evidence persuasive of error in the Examiner’s rejection of claims 1-30 with respect to issue #1.

ISSUE #2

The Examiner finds that “Olsen teaches retrieving user’s image data as print job records” (Ans. 13) and “a user to request for the particular print job at any printer connected in the printing system” (*id.* 14).

Appellants assert that “Horn does not teach or suggest accessing a destination service representing a production device” (App. Br. 5) because “Horn’s global store system is not a production device cable [*sic*] of printing” (Reply Br. 3). Appellants further argue that “Olsen is silent on this matter” (App. Br. 5).

Did Appellants demonstrate that the Examiner erred in finding that the combination of Horn and Olsen discloses or suggests accessing a destination service representing a production device?

ANALYSIS (ISSUE #2)

As set forth above, Horn discloses a user requesting information from a Global Store System and the Global Store System displaying information (i.e., “Buyer choices for viewing information”) for the user (FF 3). To the extent that the Global Store System displays information to the user, we find that the Global Store System “prints” data for the user because displaying information necessitates “printing” the data (i.e., reproducing data in legible form) to a display device. In any event, the Examiner also relies on Olsen for disclosing printing data in a print job and selecting options for the print job that is printed on a printer or production device (FF 1-2). We agree with the Examiner that Olsen discloses a “production device” (i.e., printer) that prints user data as set forth above. Appellants have failed to provide arguments to demonstrate that “Olsen is silent on this point” regarding a device that prints data.

Appellants reiterate the same arguments for each of independent claims 1, 19, and 28 and do not provide separate arguments for the dependent claims. Consequently, claims 2-30 fall together with independent claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

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For at least the aforementioned reasons, we conclude that Appellants have not sustained the requisite burden on appeal in providing arguments or evidence persuasive of error in the Examiner's rejection of claims 1-30 with respect to issue #2.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that Appellants have failed to demonstrate that the Examiner erred in:

1. finding that the combination of Horn and Olsen teaches or suggests a print job to print image data and production options for the print job (issue #1), and
2. finding that the combination of Horn and Olsen discloses or suggests accessing a destination service representing a production device (issue #2).

DECISION

We affirm the Examiner's decision rejecting claims 1-30 under 35 U.S.C. § 103.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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